

Appl. No. : 09/283,120  
Filed : March 31, 1999

### **REMARKS**

Claims 1-52 are pending in this application. The Examiner previously withdrew Claims 1-37 and 41-52 from consideration and rejected Claims 38-40. In particular, in the January 21, 2003 Office Action, the Examiner rejected Claims 38-40 under 35 U.S.C. § 102(e) as being anticipated by Fisher et al., U.S. Patent No. 5,835,896 ("the Fisher patent").

### **REJECTION OF CLAIMS 38-40 UNDER 35 U.S.C. § 102(e)**

The Examiner rejected Claims 38-40 under 35 U.S.C. § 102(e) as being anticipated by the Fisher patent.

The Examiner indicated that the "Minimum Bid" field shown in Figure 3 of the Fisher patent is analogous to "a first bid" as claimed in the Claims. Applicant respectfully submits that the "Minimum Bid" field shown in Figure 3 of the Fisher patent is an informational field indicating the requirements for a bid, but is not a bid itself. As such, the "Minimum Bid" field is not "a first bid" as claimed in Claims 38-40. As such, Applicant respectfully submits that the Claims should be allowable without amendment. Nevertheless, to expedite prosecution, Applicant requests that the above amendments be entered to clarify the distinction between the "Minimum Bid" field of the Fisher patent and "a first bid" of Claims 38-40 as amended.

In order to further clarify Applicant's belief that the Claims as drawn are not anticipated by the Fisher patent, Applicant's attorney of record intends to communicate with the Examiner by telephone.

Applicant respectfully submits that Claims 38-40 are patentable as amended.

### **ENTRY OF AMENDMENTS PURSUANT TO C.F.R. § 1.116**

Applicant respectfully submits that the Fisher patent does not disclose the subject matter of Claims 38-40. The amendments presented herein are offered to even further clarify the Claims to more explicitly identify the distinctions between the Fisher patent and Claims 38-40. Therefore, entering these Claims will, at the least, present "rejected claims in better form for consideration on appeal."

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**REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the above. Applicant's attorney can be reached at (949) 721-2814.

**CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

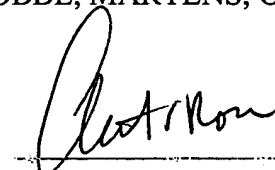
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

3/21/00

By: \_\_\_\_\_



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AMEND  
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